

Application No. 10/533,407
Reply to Office Action of July 3, 2007

Docket No.: 209546-97839

REMARKS

Claims 1-2 and 4-15 were pending in this application. By this paper claims 1-2 and 4-15 are canceled. Claims 16-33 have been added. No new matter has been added. Favorable reconsideration is respectfully requested in light of the foregoing amendments and the following remarks.

I. In the Specification

Applicant has amended the originally-filed specification at paragraph [0012] on page 3 (corresponding to paragraph [0014] of the publication of the present application, U.S. 2006/0145376) to further define the each mounting portion to include

- a first end (at reference numeral 19),
- a second end (at reference numeral 21), and
- a side surface (at reference numeral 23) between the first end (at reference numeral 19) and the second end (at reference numeral 21).

Further, the side surface 23 has been defined to extend between the lower mounting portion 20 and the ledge 24. Even further, the side surface 23 has been defined by

- a height, (at reference letter H).

The above amendments to the specification further characterize features that were disclosed in Figures 2 and 3 of the originally-filed specification. The identification of a first end 19, second end 21, side surface 23 and height, H in the Drawings at Figures 2 and 3 adds nothing to the originally-filed disclosure that would not be reasonably apparent to a person of ordinary skill in the art to which the invention pertains. Thus, no new matter has been added by characterizing what has already been disclosed in the Drawings at Figures 2 and 3. See M.P.E.P. §2163.06 (8th Ed., Rev. 5). Entry of the amendments to the Specification is requested.

II. In the Drawings

1. Corresponding to the amendments identified above in the specification, Applicant has amended Figures 2 and 3. The amendments to Figures 2 and 3 include only additions and deletions of reference lines and numerals. The amendments to Figures 2 and 3 do not include revisions to the substance of the Figures as related to structure of the claimed invention. Entry of the amendments to the Drawings at Figures 2 and 3 including changes to reference lines and numerals is requested.

Application No. 10/533,407
Reply to Office Action of July 3, 2007

Docket No.: 209546-97839

2. Applicant has amended Figure 2 to include a cross-sectional reference line 3-3 to reference the cross-sectional view of Figure 3. The reference line 3-3 extends substantially through the middle of each mounting portion 18. Because the reference line 3-3 extends through the middle of each mounting portion, the height, H, of each side surface 23 (as seen in Figure 3) is substantially the same. Entry of the amendments to the Drawings at Figure 2 including the addition of reference line 3-3 is requested.

III. 35 U.S.C. § 102(b)

The Office action rejected claims 1, 2, 4, 5, 7, 9-13 and 14 under 35 U.S.C. § 102(b) over U.S. Patent No. 5,273,243 to Abdallah et al. ("Abdallah"). Claims 1, 2, 4, 5, 7, 9-13 and 14 have been cancelled, mooted the rejection.

IV. 35 U.S.C. § 103(a)

The Office Action rejects claims 6, 8 and 15 under 35 U.S.C. § 103(a) over Abdallah. Claims 6, 8 and 15 have been cancelled, mooted the rejection.

V. New Claims

Applicant has added new claims 16-33, which includes independent claims 16, 21 and 27. Applicant respectfully submits that the new claims are allowable over the art of record.

Regarding the disclosure of Abdallah, Applicant provides the following remarks traversing the Examiner's rejections of claims 1-2 and 4-15. Firstly, Abdallah does not disclose a ramp surface at "76" in Figure 11 nor at col. 4, lines 57-65. The only mention made of any particular characteristic of Abdallah's flange tabs "76" can be found at col. 4, lines 46-56; here, it is only mentioned that the flange tabs "76" are struck from the underside of the panel 64 at a diametrically opposed relationship. There is absolutely no mention of Abdallah's flange tabs including a ramp surface such that the flange tabs "76" include a slope that leads from one level to another level.

Although Abdallah's specification indicates that "*the speaker may be raised vertically into engagement with the underside 82 of the panel 64*" (see col. 4, lines 62-63), a 'vertical' raising of the acoustic device to result in an engagement with the underside 82 of the panel 64 is not the same as an axial movement and engagement with the underside of a panel when the acoustic device is rotationally moved about an axis, as disclosed by the present invention.

Application No. 10/533,407
 Reply to Office Action of July 3, 2007

Docket No.: 209546-97839

Applicant provides a marked up view of Abdallah's Figure 11 showing a vertical movement arrow "V" as compared to an axial movement and engagement arrow "A" associated with the present invention in Figure 3. Clearly, "vertical raising" is not the same as "axial movement about an axis" extending through the acoustic device and panel.

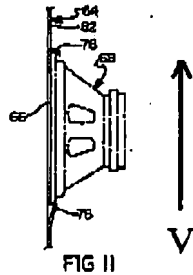


FIG 11

Abdallah

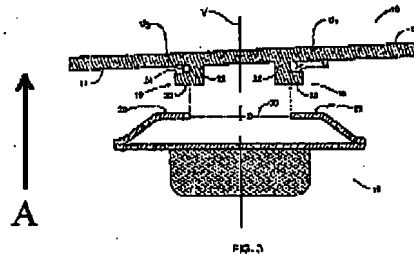


FIG. 3

Present Invention

Conclusion

In view of the above remarks, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. 209546-97839 from which the undersigned is authorized to draw.

Dated: 10/3/2007

Respectfully submitted,

By 

Thomas J. Appledorn

Registration No.: 59,348

HONIGMAN MILLER SCHWARTZ AND
 COHN LLP

38500 Woodward Avenue

Suite 100

Bloomfield Hills, Michigan 48304-5048

(248) 566-8522

Attorney for Applicant

OAKLAND.1312518.1